

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP Nos. 08-15-90040/08-15-90041/08-15-90042

In re Complaint of John Doe¹

This is a judicial complaint filed on October 8, 2015, by a federal inmate against three circuit judges. The judges comprised the panel that denied the complainant's application for a certificate of appealability, summarily dismissed his appeal, and denied his petition for rehearing.

The complainant sought to appeal the district court's denial of his motion to vacate his conviction. His argument rested on an allegation that his indictment should have been dismissed for lack of jurisdiction because the government presented a certificate of Federal Deposit Insurance Corporation insurance for a bank other than the one he robbed. He now complains that "the Judges will not answer or acknowledge" his allegation. He asks "to have [his] case reviewed, and to have [his] constitutional rights restored."

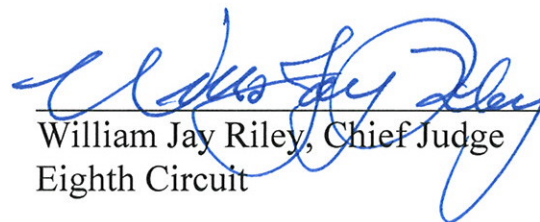
This complaint must be dismissed because it is "directly related to the merits of [the judges'] decision." 28 U.S.C. § 352(b)(1)(A)(ii); accord Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States Rule 11(c)(1)(B). A judicial complaint is not a supplemental appeal or a vehicle to review the correctness of an appellate decision. If the complainant thinks the panel erred in

¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit, the names of the complainant and the judges complained about are to remain confidential, except in special circumstances not present here.

not allowing him to appeal, he can petition the Supreme Court of the United States for a writ of certiorari.

The complaint is dismissed.

December 8, 2015



William Jay Riley, Chief Judge
Eighth Circuit